

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting8th September 2011

1. Title of Item/Report

Equality Act 2010 - Taxis and Private Hire Vehicles

2. Record of the Decision

Cabinet considered a report that provided details of the results of the consultation exercise carried out with the taxi trade and local disabled groups on the issue as to whether the Council should maintain a list of “designated wheelchair accessible vehicles” under new powers contained in the Equality Act 2010.

It was explained that the Equality Act 2010 brought together a number of different pieces of legislation about discrimination, including disability discrimination. The new Act included many of the hackney carriage vehicles (HCV) and private hire vehicle (PHV) provisions which were included in the Disability Discrimination Act 1995, but it also contained some important changes.

Sections 160 to 173 of the Equality Act 2010 related specifically to HCVs and PHVs and some of these provisions were brought into on force 1st October 2010.

Section 167 allowed licensing authorities to maintain a list of “designated vehicles”, that was, a list of wheelchair accessible HCVs and PHVs licensed in their area. The consequence of being on this list was that the driver had to undertake the duties to assist passengers who used wheelchairs.

Whilst this section was not to be commenced until a later unspecified date councils were being urged to start maintaining a list as soon as possible for the purpose of liaising with the trade and because drivers of those vehicles could apply for exemption 2010 from having to comply with this requirement with effect from 1 October.

Members were advised that when this section came into force, and the lists of designated vehicles had a statutory effect, it would be possible for the owner of a vehicle to appeal against a decision to include his/her vehicle on the list. The appeal would go to the magistrates’ court.

It was explained that if Cabinet approved the maintaining of a list then officers would seek permission from those to be placed on the list to add additional information regarding their contact details, so that prospective customers had the relevant information to hire their services.

Members noted the duties placed on drivers of designated wheelchair accessible HCVs and PHVs.

The duties are:

- To carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

Members noted circumstances that would exempt drivers from the duties and it was recommended that any driver wishing to apply for an exemption should be required to produce a report either from his own doctor or his consultant, when applicable, confirming that his medical condition or physical condition made it impossible or unreasonably difficult for him/her to comply with the duties and that each application be determined on its individual merits.

Members noted the consultation that had taken place with the Taxi Trade local disability groups. This consultation showed a majority in favour of the Council maintaining a list. In addition the Licensing Committee gave its support to maintaining a list.

RESOLVED that:-

1. the Council maintain a list of designated vehicles under the provisions of the Act
2. applications for exemptions from drivers from the duties to offer assistance be considered by officers in consultation with the Chair and Vice Chair of the Licensing Committee.

3. Reasons for the Decision

The provision of the list would assist in ensuring that people had access to wheelchair accessible vehicles and appropriate assistance from their drivers.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

Not applicable

7. Date and Time by which Call In must be executed

Midnight on 16 September 2011

Proper Officer
12 September 2011